

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

IN RE: NEW YORK COUNTY ASBESTOS  
LITIGATION

This document Relates to:  
CHRISTIAN F. HOLINKA.,

Plaintiff,

v.

A.W.CHESTERTON COMPANY, et al.,

Defendants.

NYCAL  
I.A.S. Part 11  
(Madden J.)

Index. No. 114120/06

**ORDER TO SHOW CAUSE**

PLEASE TAKE NOTICE that, upon the annexed Affirmation of Daniel B. Carroll, Esq., and the Affidavit of Donald F. Zimmer, Jr., Esq., and sufficient cause having been shown, it is

ORDERED, that counsel for the plaintiff and co-defendants show cause in IAS, part 11, Room 351, of the Supreme Court of New York, County of New York, located at 60 Centre Street, New York, New York, before the Honorable Joan A. Madden, J.S.C. on the twelfth day of September, 2007, at 10:00 a.m., or as soon thereafter as counsel may be heard, why an Order should not be entered permitting Donald F. Zimmer, Jr., Esq. to be admitted *pro hac vice* to advise and represent defendant Baxter Healthcare Corporation in the trial(s) or arguments of all matters in which this defendant has an interest before this Court.

ORDERED, that service of copies of this Order to Show Cause and supporting papers be made to all parties before the \_\_\_\_\_ day of \_\_\_\_\_ 2007, by

serving a copy thereof by personal service on counsel for plaintiff, Benjamin Darche, Esq., at Weitz & Luxenberg and by facsimile on counsel for all remaining parties, such service shall be deemed sufficient notice.

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Hon. Joan A. Madden, J.S.C

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Index. No. 11420/06

**AFFIDAVIT OF  
DONALD F. ZIMMER, JR., ESQ.**

DONALD F. ZIMMER, JR., being duly sworn according to law, upon his oath deposes and says:

1. I am a partner with the law firm of Drinker Biddle & Reath LLP, which maintains an office at 140 Broadway, 39<sup>th</sup> Floor, New York, New York. I practice out of Drinker Biddle & Reath LLP's office located at 50 Fremont Street, San Francisco, California.
2. I graduated from Georgetown University Law Center in 1983. I am admitted to practice before the Courts of the State of California. I am a member in good standing of the Bar of the State of California, and actively practice in the State of California. A Certificate of Good Standing from the State of California is attached.
3. I am associated in this matter with Daniel B. Carroll, a member in good standing of the Bar of the State of New York.
4. I have never been suspended or disbarred in any jurisdiction.

5. I am not the subject of any pending disciplinary matter in any jurisdiction, and no discipline has previously been imposed upon me in any jurisdiction

6. I am familiar with the rules of practice of the courts of New York.

7. I am familiar with the ethical rules applicable to attorneys who practice in New York and will abide by them.

8. There is good cause for my admission *pro hac vice* in this matter. I am counsel in this matter for defendant Baxter Healthcare Corporation. I have been actively involved in litigation similar to this matter, and I have been asked by Baxter Healthcare Corporation to be actively involved in this action. The relevant issues in this lawsuit involve areas in which I have experience. I am familiar with the facts of this case, and I will comply with the rules governing the Courts of New York, including all disciplinary rules.

WHEREFORE, I respectfully request that I be admitted *pro hac vice* for the purpose of appearing and participating in this action and for such other and further relief as this Court deems appropriate.



DONALD F. ZIMMER, JR.

Sworn to and subscribed before me on  
this the 4th day of September, 2007.

Diane M. Miller  
Notary Public



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**AFFIRMATION OF  
DANIEL B. CARROLL, ESQ.**

**DANIEL B. CARROLL**, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms under penalty of perjury that:

1. I am a partner with the law firm of Drinker Biddle & Reath LLP, attorneys for defendant Baxter Healthcare Corporation (“Baxter”), with offices at 140 Broadway, 39<sup>th</sup> Floor, New York, NY 10005. I am familiar with the facts of this case, and I submit this affirmation in support of Baxter’s application to permit Donald F. Zimmer, Jr. (“Mr. Zimmer”) to appear in this action *pro hac vice*.

2. Mr. Zimmer is a partner with Drinker Biddle & Reath LLP and is resident in its San Francisco, California office. As set forth in the Affidavit of Mr. Zimmer, attached as Exhibit A, he is a graduate of Georgetown University Law Center and is admitted to practice before the Courts of the State of California. Mr. Zimmer is a member in good standing of the Bar of the State of California. A Certificate of Good Standing from the State of California is attached to Mr. Zimmer’s Affidavit.

3. Mr. Zimmer is familiar with the facts of this case. He has been actively involved in litigation similar to this matter, and he has been asked to be actively involved in this action.

4. There are no disciplinary proceedings pending against Mr. Zimmer in any jurisdiction, no discipline has previously been imposed upon him in any jurisdiction, and he has agreed to comply with the rules governing the Courts of New York, including all disciplinary rules.

WHEREFORE, I respectfully request that Donald F. Zimmer, Jr. be admitted *pro hac vice* for the purpose of appearing and participating in this action on behalf of Baxter, and for such other and further relief as this Court deems appropriate.

Dated: New York, New York  
September 4, 2007

By: \_\_\_\_\_

  
Daniel B. Carroll, Esq.  
DRINKER BIDDLE & REATH LLP  
140 Broadway, 39<sup>th</sup> Floor  
New York, New York 10005-1116  
Telephone (212) 248-3140  
Facsimile (212) 248-3141



**Supreme Court of California**

FREDERICK K. OHLRICH

*Clerk of the Court*

**CERTIFICATE OF THE CLERK OF THE SUPREME COURT  
OF THE  
STATE OF CALIFORNIA**

**DONALD FREDERICK ZIMMER, JR.**

*I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that DONALD FREDERICK ZIMMER, JR. was on the 12TH day of DECEMBER 1983, duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that his name now appears on the Roll of Attorneys as a member of the bar of this state in good standing.*

*Witness my hand and the seal of the court,  
this 31st day of AUGUST, 2007.*

**FREDERICK K. OHLRICH**

*Clerk of the Supreme Court*

By \_\_\_\_\_

*Joseph Cornetta*

*Joseph Cornetta, Deputy Clerk*

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Defendants.

**ORDER TO SHOW CAUSE TO ADMIT  
DONALD F. ZIMMER, JR., ESQ. *PRO HAC VICE***

DRINKER BIDDLE & REATH LLP  
140 Broadway, 39<sup>th</sup> Floor  
New York, New York 10005-1116  
(212) 248-3140

Attorneys for Defendant BAXTER HEALTHCARE, INC.